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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,075	09/13/2002	David Allport	ER 1615.01 US	2612
22887 7590 07/06/2009 PIONEER NORTH AMERICA, INC. - INTELLECTUAL PROPERTY DEPARTMENT 2265 E. 220TH STREET LONG BEACH, CA 90810				
EXAMINER HONG, HYUN J				
ART UNIT 2426		PAPER NUMBER		
MAIL DATE 07/06/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/065,075

Applicant(s)

ALLPORT, DAVID

Examiner

Hyun J. Hong

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-128 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-128 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to an Amendment filed 03/30/09. Claims 1-128 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 24-46, 56-78, 88-110, 120-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Borden (US 6,857,128).

Regarding claim 1, Schein discloses an electronic program guide system comprising (fig. 1):

A program grid including a plurality of cells, wherein each of said cells contains program information (fig. 1); and

A visual indicator of an active point in time disposed within said program grid (fig. 1);

Said program grid including one axis representing time (fig. 1);

Said visual indicator including a position corresponding to a single point in time of an active cell within said grid (fig. 1), the visual indicator (199) being displayed on all cells of said active point in time disposed with said program grid (fig. 1).

However, Schein does not specifically disclose wherein a portion of a visual indicator specifying said active cell is visually different from another portion of said visual indicator and wherein said visual indicator is movable along an axis upon a user input request.

In analogous art, Borden discloses wherein a portion of a visual indicator specifying said active cell is visually different from another portion of said visual indicator (fig. 7 *The vertical line in between 8:30 and 9:00 represents the visual indicator. The portion of the vertical line that is part of the highlighted grid is different from the rest of the vertical line*) and wherein said visual indicator is movable along an axis upon a user input request (fig. 7 *The user can scroll the grid left or right. The position of the vertical line separating 8:30 and 9:00 changes respective of the grid displays current position*) It would have been obvious to combine the active cell indicator of Borden into the timeline and EPG of Schein. This would allow a user to be able to identify the active cell along a timeline.

Regarding claim 2, Schein discloses The system recited in claim 1, wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis (fig. 1).

Regarding claim 3, Schein discloses The system recited in claim 2, wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position (fig. 1).

Regarding claim 4, Schein discloses The system recited in claim 3, wherein said visual indicator is movable along the horizontal axis and vertical axis (fig. 1 mouse pointer, col. 4 lines 21-32);

Regarding claim 5, Schein discloses The system recited in claim 1, wherein said visual indicator is an information line (fig. 1 7:30 pm line).

Regarding claim 6, Schein discloses The system recited in claim 1, wherein said visual indicator indicates one active cell within said grid (col. 4 lines 21-32).

Regarding claim 7, Schein discloses The system recited in claim 5, wherein said information line is vertically oriented (fig. 1).

Regarding claim 8, Schein discloses The system recited in claim 5, wherein said information line intersects a plurality of said cells (fig. 1).

Regarding claim 9, Schein discloses the system recited in claim 8. Borden discloses a visually distinctive segment for indicating said one active cell (fig. 1).

Regarding claim 10, Schein discloses The system recited in claim 1, wherein said visual indicator is an icon (fig. 1 mouse pointer).

Regarding claim 11, Schein discloses the system recited in claim 1, wherein said visual indicator is a visually distinctive graphical element (fig. 1 mouse pointer).

Regarding claim 12, Schein in view of Borden discloses The system recited in claim 1, further comprising a visual indication of an active row within which said active cell is contained (col. 4 lines 3-9 of Borden).

Regarding claim 13, Schein in view of Borden discloses The system recited in claim 12, wherein said visual indication of said active row (col. 4 lines 3-9 of Borden), in

combination with said visual indicator of said active point in time, indicate said active cell (mouse pointer, fig. 1 of Schein).

Regarding claim 14, Schein in view of Borden discloses The system recited in claim 1, further comprising a supplemental information display area, wherein said supplemental information display provides information on a program displayed within said active cell (fig. 5 of Borden).

Regarding claim 24, Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator up, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

Regarding claim 25, Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator down, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

Regarding claim 26, Schein discloses The system recited in claim 4, wherein a first active cell within said grid is indicated, said first active cell displaying program information for a first program (fig. 1, col. 4 lines 6-32).

Regarding claim 27, Schein discloses The system recited in claim 26, wherein, in response to a user command to move said visual indicator right, said visual indicator is relocated to a new horizontal position said new horizontal position corresponding to an end time of said first program (fig. 1, col. 4 lines 6-32).

Regarding claim 28, Schein discloses The system recited in claim 27, wherein, in response to said user command, said first active cell is deactivated, and a second cell becomes active, said second cell being located on the same row and to the right of previous said first active cell, said second cell displaying program information for a second program, said second program having a start time equal to said end time of said first program (fig. 1, col. 4 lines 6-32).

Regarding claim 29, Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of said grid.

Regarding claim 30, Schein discloses The system recited in claim 4, wherein, in response to said user command, said first active cell is deactivated, and a second cell becomes active; said second cell being located to the left of said first active cell; said second cell being the first cell appearing in said grid on said row (fig. 1, col. 4 lines 6-32).

Regarding claim 31, Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of a second cell; said second cell being located on the same row and to the left of said first active cell; said second cell being immediately adjacent to said first active cell (fig. 1, col. 4 lines 6-32).

Regarding claim 32, Schein discloses The system recited in claim 4, wherein, in response to said user command, said first active cell is deactivated, and said second cell becomes active (fig. 1, col. 4 lines 6-32).

Regarding claims 33-40, 42, 43, 56-64, 65-72, 74, 75, 88-96, 97-104, 106, 107, 120-128, see the rejections of claims 1-8, 10, 11, 24-32.

Regarding claims 41, 44-46, 73, 76-78, 105, 108-110, see the rejections of claims 9, 12-14.

Claims 15-23, 47-55, 79-87, 111-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Borden (US 6,857,128) in view of Broadus (US 2002/0144264).

Regarding claim 15, Schein in view of Borden does not disclose a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

In analogous art, Broadus discloses a duration strip that provides a visual indication of airing time for a program displayed within said active cell (fig. 5(514)).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 16, Schein in view of Borden does not disclose wherein said duration strip is disposed within said supplemental information display area

However, Broadus discloses wherein said duration strip is disposed within said supplemental information display area (fig. 5 (514) of Broadus).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 17, Schein in view of Borden does not disclose wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell.

However, Broadus discloses wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell ([0074-0075] of Broadus *The duration strip, as well as the information line are dependent upon the current time*).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 18, Schein in view of Borden does not disclose wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid

However, Broadus discloses wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid (fig 5 (512) of Broadus).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 19, Schein in view of Borden does not disclose further comprising a descriptive label that provides additional information on a program displayed within said active cell.

However, Broadus discloses further comprising a descriptive label that provides additional information on a program displayed within said active cell (fig. 5(514) of Broadus).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 20, Schein in view of Borden does not disclose wherein said descriptive label is disposed within said supplemental information display area

However, Broadus discloses wherein said descriptive label is disposed within said supplemental information display area (fig. 5(514) of Broadus *The cell is the supplemental information display area*).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 21, Schein in view of Borden does not disclose wherein said descriptive label is movable to correspond with movement of said information line.

However, Broadus discloses wherein said descriptive label is movable to correspond with movement of said information line ([0070-0071] of Broadus *The duration bar and the information line move according to the current time*).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 22, Schein in view of Borden does not disclose wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell

However, Broadus discloses wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell ([0070-0071] of Broadus).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claim 23, Schein in view of Borden does not disclose wherein text displayed in said supplemental information display area wraps around said descriptive label.

However, Broadus discloses wherein text displayed in said supplemental information display area wraps around said descriptive label (fig. 5 of Broadus *The cell is wrapped around the duration bar*).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein in view of Borden. This would enable the user to see how much a current program has been broadcast.

Regarding claims 47-55, 79-87, 111-119, see the rejections of claims 15-23.

Response to Arguments

In response to applicant's argument:

Schein may have disclosed a portion of a visual indicator specifying the active cell that is visually different from another portion of the visual indicator (Fig. 1, mouse pointer, Col. 4, lines 21-32). The Examiner stated, "The top portion of the pointer is used to specify an active cell, and is visually different from the bottom portion of the pointer." Unlike Schein, the visual indicator in the present invention is a (solid) line corresponding to a single point in time of an active cell (i.e., Fig. 17, the visual indicator is the vertical line that lies between 2:00 pm and 2:30 pm and the active cell is Backstory), wherein a portion of the visual indicator specifying the active cell is visually different from another portion of the visual indicator. As can be seen in Fig. 17, for example, the portion of the visual indicator that shows the active cell is the dotted line as oppose to the solid line (another portion of the visual indicator that does not show the active cell). To clarify the claimed invention, Applicant has amended the independent claims to include that the visual indicator is displayed on all cells of said active point in time disposed with the program grid. In contrast to Schein, the mouse pointer is not display on all cells of the active point in time (Fig. 1, approx. 7:30 pm) but only on the last two cells (i.e., channels 10, 11). In Schein, there are two visual indicators (one is the dotted line that indicates an active point in

time and the other is the mouse pointer that points to the active cell). In contrast to the present invention, there is one visual indicator having at least two portions that are visually different (i.e., solid vs. dotted) and that one of the visually different portion specifies an active cell. Moreover, now where in Schein that discloses a visual indicator that is movable along an axis upon a user input request.

Borden discloses a scrollable program title area that is reduced in size to allow for a program details area. Program detail area contains expanded information for the program selection area row. The channel information box in the program details area can display additional information about the channel identifier of a row (Col. 4, lines 3-9). Borden does not disclose a visual indicator that has a portion of specifying an action cell wherein that portion is visually different from other portion of the visual indicator, and that the visual indicator is displayed on all cells of the active point in time disposed with the program grid wherein said visual indicator is movable along an axis upon a user input request.

Broadus discloses a visual indicator (i.e., a strip 514 in Fig. 5). However, Broadus does not disclose a strip that has a portion specifying an action cell wherein that portion is visually different from the other portion of the strip (i.e., solid vs. dotted), and that the strip is displayed on all cells of the active point in time disposed with the program grid wherein said visual indicator is movable along an axis upon a user input request.

Examiner's response:

Arguments are moot in view of a different interpretation of the previously cited art. Borden discloses wherein a portion of a visual indicator specifying said active cell is visually different from another portion of said visual indicator (fig. 7 *The vertical line in between 8:30 and 9:00 represents the visual indicator. The portion of the vertical line that is part of the highlighted grid is different from the rest of the vertical line*) and wherein said visual indicator is movable along an axis upon a user input request (fig. 7 *The user can scroll the grid left or right. The position of the vertical line separating 8:30 and 9:00 changes respective of the grid's current position*).

Conclusion

Claims 1-128 are rejected.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. J. H./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
July 2, 2009